

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference <b>KAL0105 PCT</b>	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. <b>PCT/CA2004/001406</b>	International filing date ( <i>day/month/year</i> ) <b>28 July 2004 (28.07.2004)</b>	Priority date ( <i>day/month/year</i> ) <b>28 July 2003 (28.07.2003)</b>
International Patent Classification (8th edition unless older edition indicated) <b>See relevant information in Form PCT/ISA/237</b>		
Applicant <b>KALLEN, Michael, Charles</b>		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> .1(a).																								
2.	This REPORT consists of a total of 11 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 15%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 35%;">Box No. I</td> <td style="width: 50%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date of issuance of this report <b>30 January 2006 (30.01.2006)</b></td> </tr> <tr> <td style="padding: 2px;">Authorized officer  <b>Athina Nickitas-Etienne</b></td> </tr> <tr> <td style="padding: 2px;">Telephone No. +41 22 338 89 95</td> </tr> </table>	Date of issuance of this report <b>30 January 2006 (30.01.2006)</b>	Authorized officer  <b>Athina Nickitas-Etienne</b>	Telephone No. +41 22 338 89 95
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Authorized officer  <b>Athina Nickitas-Etienne</b>				
Telephone No. +41 22 338 89 95				

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
**TURLOCK, LANCE A.**  
 Meridian Patent Services  
 #471 - 7231 - 120th Street  
 DELTA, British Columbia  
 Canada, V4C 6P5

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (date/month/year)	26 November 2004 (26-11-2004)
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Applicant's or agent's file reference  
**KAL0105 PCT**

**FOR FURTHER ACTION**  
 See paragraph 2 below

International application no  
**PCT/CA2004/001406**

International filing date (date/month/year)  
 28 July 2004 (28-07-2004)

Priority date (date/month/year)  
 28 July 2003 (28-07-2003)

International Patent Classification (IPC) or both national classification and IPC

E02D-29/02

Applicant **KALLEN, MICHAEL CHARLES**

1. This opinion contains indications relating to the following items :

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input type="checkbox"/>            | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application  |

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/  
 Commissioner of Patents  
 Canadian Patent Office  
 Box PCT, Ottawa/Gatineau K1A 0C9

Authorized officer

Patrick Cyr (819) 953-1304

Facsimile No. (819) 953-9538

Form PCT/ISA/237 (cover sheet) (January 2004)

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2004/001406

**Box No. I                      Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_, which is the language of a translation furnished for the purposes of international search (under

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/CA2004/001406

Box No. II      Priority

- 1    ☐    The following document has not yet been furnished :
- ☐    copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐    translation of the earlier application whose priority has been claimed (rule 43*bis*.1 and 66.7(b)).
- Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
- 2    ☐    This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purpose of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary :

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/CA2004/001406

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of :

☐ the entire international application

☐ claims Nos. \_\_\_\_

because

☐ the said international application, or the said claims Nos. \_\_\_\_ relate to the following subject matter which does not require an international preliminary examination (*specify*) :

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. \_\_\_\_ are so unclear that no meaningful opinion could be formed (*specify*) :

☐ the claims, or said claims Nos. \_\_\_\_ are so inadequately supported by the description that no meaningful

☐ no international search report has been established for said claims Nos. \_\_\_\_.

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that :

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2004/001406

Box No. IV	Lack of unity of invention
1	<p><input type="checkbox"/> In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has :</p> <p><input type="checkbox"/> paid additional fees</p> <p><input type="checkbox"/> paid additional fees under protest</p> <p><input type="checkbox"/> not paid additional fees</p>
2	<p><input type="checkbox"/> This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.</p>
3	<p>This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is</p> <p><input type="checkbox"/> complied with</p> <p><input type="checkbox"/> not complied with for the following reasons :</p>
4	<p>Consequently, this opinion has been established in respect of the following parts of the international application :</p> <p><input type="checkbox"/> all parts</p> <p><input type="checkbox"/> the parts relating to claims Nos. _____</p>

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2004/001406

**Box No. V reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	3, 4, 5, 9, 11, 12	YES
	Claims	1, 2, 6, 7, 8, 10	NO
Inventive step (IS)	Claims	3, 4, 5, 9, 11, 12	YES
	Claims	1, 2, 6, 7, 8, 10	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

**2. Citations and explanations :**

The following documents have been considered for the purpose of this report:

- (A) US 5531547  
(B) US 6595726

**Novelty (N): Claims 1, 2, 7, 8 and 10**

**Document (A)** teaches a composite form (R) for stabilizing an earthen embankment (1), said form comprising: a floor section (2b) including a plurality of horizontally spaced anchoring members (22) for holdingly engaging at least one geogrid anchoring rod (17) and a plurality of drainage openings; a face section (2a) including a first plurality of supporting ribs (2c) and a second plurality of supporting ribs (2d); a first coupling means (8); and a second coupling means (opening bounded by 2c and 2d). Furthermore, said first coupling means comprises a plurality of horizontally spaced hooking members (8) extending upwardly from said face section; and said second coupling means comprises a plurality of horizontally spaced slots (opening bounded by 2c and 2d) extending through said floor section.

**Novelty (N): Claims 1, 6, 7 and 8**

**Document (B)** teaches a composite form (20) for stabilizing an earthen embankment (80), said form comprising: a floor section (44) including a plurality of horizontally spaced anchoring members (45), each comprising a boss (47), for holdingly engaging at least one geogrid anchoring rod (60) and a plurality of drainage openings; a face section (42) including a first plurality of supporting ribs (46) and a second plurality of supporting ribs (48); a first coupling means; and a second coupling means (column 4, lines 51-53 and column 5, lines 53-58).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2004/001406

Box No. VI	Certain documents cited		
1. Certain published documents (Rules 43bis.1 and 70.10)			
Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
2. Non-written disclosures (Rule 43bis.1 and 70.9)			
Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)	



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2004/001406

**Box No. VII    Certain defects in the international application**

The following defects in the form or contents of the international application have been noted :

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2004/001406

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

The expression "at least one geogrid anchoring rod" found in claim 1, line 9 and claim 8, line 27 is not supported by the description. As indicated on page 7, lines 1 and 2 of the description, the described apparatus requires "two elongated anchoring rods" for the proper function.

The expression "as defined in claim 1, 2, 3, or 4" in claim 6, line 14 contains a typographic error.

A brief description of Fig. 2 is required on page 3 of the description under the heading "BRIEF DESCRIPTION OF THE DRAWINGS".

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2004/001406

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.  
Continuation of :